Draft to Clerk: Approved: Clerk:

MINUTES OF THE REGULAR MEETING BOARD OF ZONING APPEALS November 9, 2006 7:30 P.M. CITY COUNCIL CHAMBERS, 10TH FLOOR CITY HALL

I. ROLL CALL

The meeting was called to order by Chairman Burgess at 7:30 p.m. Chairman Burgess read the BZA introduction. Roll call was taken.

Present:

B. Burgess E. Horne M. Mayberry G. Swix B. McGrain

F. Lain A. Frederick

Absent: G. Hilts

Staff: S. Stachowiak

A. A quorum of five members was present, allowing voting action to be taken at the meeting.

II APPROVAL OF AGEND

A. Frederick moved, seconded by B. McGrain to approve the agenda with the addition of "Excused Absences" under new business.

On a voice vote, the motion carried 7-0.

III. <u>HEARINGS/ACTION</u>

A. BZA-3893.06, 5216 Tulip Avenue

This is a variance request by Elaine Bogart for a variance to the front yard setback requirement in the "A" Residential District. The applicant has constructed a new porch on the front of the house at 5216 Tulip Avenue that has a front yard setback of 15.83 feet. Section 1248.07 of the Zoning Code requires a minimum front yard setback of 28.04 feet for the subject property. A variance of 12.21 feet to the front yard setback requirement is therefore, being requested. Staff recommended approval of the request on a finding that the variance would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application.

Elaine Bogart, 5216 Tulip Street, spoke in support of her request. She stated that the porch does not block any views, does not obstruct traffic and is an improvement to the house and the area in general.

Ms. Horne asked Ms. Bogart if a permit was obtained for the porch.

Ms. Bogart stated that a permit was not obtained .

Mr. McGrain expressed concern about the reduced setback encouraging other additions and front porches in this area.

Ms. Stachowiak stated that any other front porches and additions would also likely have to come before the BZA for a front yard setback variance.

Mr. McGrain asked who constructed the porch and why he did not obtain the required permit.

Ms. Bogart stated that Damon Schafer was the contractor and he said he did not need a permit for the porch, but it turns out that she does need a permit because the porch is attached to the house.

Mr. McGrain asked if Mr. Schafer has offered to pay for the permit.

Ms. Bogart replied "no".

Mike McCarty, 5222 Tulip Avenue, spoke in support of the variance. Mr. McCarty stated that he lives next door to the applicant and he is pleased with the new front porch. He said that it is attractive and not excessive in size.

Bob Irvine, 5211 Tulip Avenue, spoke in support of the variance. Mr. Irvine stated that the porch is an improvement to the area. He also said that most of the porches along Tulip Street need to be replaced.

Mr. Burgess asked if anyone else wished to address the Board. Seeing none, the Board moved into the Committee of the Whole.

Mr. Frederick stated that the staff report explains the uniqueness of this case. He said that staff should send a letter to the contractor, advising him of the permit requirements in Lansing.

Mr. McGrain agreed with Mr. Frederick. He stated that people rely on contractors to do the right thing and to know the requirements for permits. He expressed concern about whether the "uniqueness" criteria can be met in this case.

Ms. Stachowiak stated that the houses on the street are unique in that they all line up with each other and none of them have front porches.

Mr. Frederick stated that front porches are good from a planning standpoint because they encourage interaction between neighbors.

Mr. McGrain stated that he is concerned about this variance opening the door for future requests for reduced front yard setbacks for garages and additions along Tulip Avenue.

G. Swix moved to approve BZA-3893.06, a variance of 12.21 feet to the front yard setback requirement to permit the new front porch at 5216 Tulip Street, on a finding that the variance would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application. Seconded by F. Lain.

VOTE	YEA	NAY
Swix	х	

VOTE	YEA	NAY
Mayberry	х	
Horne	Х	
Lain	Х	
McGrain		х
Frederick	Х	
Burgess	X	

Motion carried, 6-1, BZA-3893.06, was approved.

VI. OLD BUSINESS

- A. Rules of Procedure No action
- B. BZA-3817.04, 1014 S. Pennsylvania Avenue No action

VII. PUBLIC COMMENT - None

VIII. APPROVAL OF MINUTES

A. <u>Minutes of Regular Meeting held October 12, 2006</u>

A. Frederick moved, seconded by G. Swix to approve the minutes of October 12, 2006, as printed. On a voice vote, the motion carried unanimously, 7-0.

IX. NEW BUSINESS

A. Excused Absences

A. Frederick moved, seconded by B. McGrain to grant an excused absence to G. Swix for the October 12, 2006 meeting. On a voice vote, the motion carried unanimously, 7-0.

A. Frederick moved, seconded by F. Lain to grant an excused absence to G. Swix for the September 14, 2006 meeting. On a voice vote, the motion carried unanimously, 7-0.

X. ADJOURNMENT AT 7:55 p.m.

Respectfully submitted,		
Susan Stachowiak, Zoning Administrator		